

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 105-30089 (RGS)

FIREMAN'S FUND INSURANCE COMPANY

As Subrogee of  
Thirty Four Lime Street Trust, et al  
777 Marin Drive  
Novato, California 94998  
Plaintiff

VS

C. H. NEWTON CONTRACTORS; and  
ALAIRE PLUMBING & HEATING  
Defendants

RECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON  
OCT 12 2005

**LOCAL RULE 16.1(D)(3) CERTIFICATION**

Alarie Plumbing & Heating (the Defendant) and its undersigned counsel, hereby certify:

1. That we have conferred with a view towards establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and
2. That we have conferred to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Alarie Plumbing & Heating  
by its insurer,



Lorrie Hassan  
St. Paul Travelers  
44 Bedford Street  
Middleboro, MA 02346  
(508) 946-6650

Alarie Plumbing & Heating  
By its attorney,



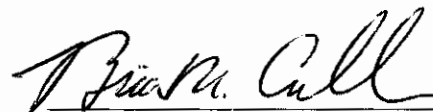
Brian M. Cullen  
BBO#547427  
Law Offices of Thomas M. Niarchos  
100 Summer Street, Suite 201  
Boston, MA 02110  
(617) 772-2800

**CERTIFICATION**

I hereby certify that a copy of the foregoing JOINT STATEMENT AND LOCAL RULE 16.1(D)(3) CERTIFICATION has been transmitted via hand delivery on this 22<sup>nd</sup> day of September to the following:

Scott J. Tucker, Esq.  
Tucker, Heifetz & Saltzman, LLP  
Three School Street  
Boston, MA 02108

Erik Loftus  
Law Office of Stuart Blackburn  
Two Concord Way, P. O. Box 608  
Windsor Locks, CT 06096

A handwritten signature in black ink, appearing to read "Brian M. Cullen", written over a horizontal line.

Brian M. Cullen